

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, September 3, 2002

Division One

A096174 -- Hans Peter Baumann, et al. v. Allan C. Miles, et al.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Two

A096003 -- Tony D. X. Fu v. Florence Fung et al.

The judgment is affirmed. Respondents are awarded costs. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Five

**A099403 -- Marla A. v. The Superior Court of Alameda County;
Alameda County Social Services Agency, R.P.I.**

The order of the juvenile court is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

Wednesday, September 4, 2002

Division One

A096162 -- In re Desiree M. et al., Persons Coming Under the Juvenile Court Law. Del Norte County Department of Social Services v. Kathleen C.

The order is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J.
(Not for Publication.)

Division Two

A097989 -- In re Cynthia M., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services v. Larry M.

The appeal is dismissed as moot. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Thursday, September 5, 2002

Division One

A096482 -- In re Daniel B., a Person Coming Under the Juvenile Court Law. The People v. Daniel B.

The jurisdictional and dispositional orders are affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A099328 -- Raymond F., Sr. v. The Superior Court of Contra Costa County; Contra Costa County Department of Children and Family Services, R.P.I.

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal.Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for September 24, 2002. Therefore, our decision is final in this court immediately. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Four

A095443 -- The People v. Bernard Beard.

The judgment is reversed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

A097228 -- The People v. Michael Ressler.

The judgment is modified to add an additional 30 days of actual local time credits and 14 days of conduct credits. As so modified, the judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Thursday, September 5, 2002 (continued)

Division Five

A094946 -- In re Charles Alex Black on Habeas Corpus.

The order is affirmed. Stevens, J. We Concur: Jones, P.J., Gemello, J.
(Certified for Publication.)

Thursday, September 5, 2002 (continued)

A095646 -- The People v. Jose N. Ortiz.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J.
(Not for Publication.)

Friday, September 6, 2002

Division One

A097718 -- The People v. Trevor Douglas Shope.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A098814 -- Lawrence B. Waldman, et al. v. Richard Hesselink.

By the Court: Respondent's motion to dismiss is granted and the appeal is dismissed. Respondent is entitled to the costs incurred in obtaining a dismissal of the appeal. Marchiano, P.J.

Division Two

A099242 -- In re Ronald M. et al., Persons Coming Under the Juvenile Court Law. Barbara K. v. The Superior Court of the State of California County of Contra Costa; Contra Costa County, Children and Family Services Bureau Department of Social Services, R.P.I.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888; § 366.26, subd. (1)(1) [precluding further challenge to these orders by petitioner in any subsequent appeal].) The temporary stay previously imposed is lifted. Our decision is immediately final as to this court. (Cal. Rules of Court, rule 24(d).) Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Four

A090932, A091716, A093126 -- Emeryville Redevelopment Agency v. Harcros Pigments, Inc. et al.

By the Court: The request for publication of this court's August 9, 2002 opinion is granted and it is hereby ordered that said opinion be published in the Official Reports. Kay, P.J.

Friday, September 6, 2002 (continued)

Division Five

A095101 -- The People v. Luis Acosta Padilla.

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J.
(Not for Publication.) Monday, September 9, 2002

Monday, September 9, 2002

Division One

A093099 -- The People v. Marlon Morris.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A096967 -- Paul S. Mosesian et al. v. Ford Motor Company.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A098053 -- In re Deshaun N. and Demarr H., Persons Coming Under the Juvenile Court Law. Solano County Health and Social Services Agency v. Samantha H.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A097828 -- In re Rudy O., a Person Coming Under the Juvenile Court Law. Sonoma County Human Services Department v. Bernard O., Sr.

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A097433 -- San Francisco Police Officers Association et al. v. City and County of San Francisco.

The order granting a preliminary injunction is affirmed and the cause remanded for further proceedings. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Monday, September 9, 2002 (continued)

Division Two

A093023 -- The People v. Chung Chiu.

The judgment is modified to strike the parole revocation fine imposed under section 1202.45 and to stay execution of the sentences imposed for false imprisonment and assault with deadly weapon of Pelletier (Counts V and VI). As modified, the judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A096610 -- Theodore H. Chenoweth v. Vedanta Society, Berkeley et al.

The judgment of dismissal is affirmed. Pollak, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A098369 -- Tom Church v. Roxie Cinema et al.

The Court.* The appeal is dismissed. (Not for Publication.)

*Kay, P.J., Reardon, J. and Sepulveda, J.

A095450 -- Fildres Runez v. Cedar Village, Inc. et al.

Finding no error, the judgment of the superior court is affirmed in all respects. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

Monday, September 9, 2002 (continued)

Division Five

**A094163 -- In re Golden Eagle Insurance Company in Liquidation.
Harry W. Low, as Insurance Commissioner, etc. v. American International
Group, Inc., et al.; John C. Mabee et al.**

**A094166 -- In re Golden Eagle Insurance Company in Liquidation.
Harry W. Low, as Insurance Commissioner, etc. v. American International
Group, Inc., et al.; George Dukemejian, as Deputy Cotrustee, etc., et al.**

Order Modifying Opinion. To correct a clerical error, the opinion filed on August 31, 2002, is modified as follows:

1. Although the original contained the correct panel members, the copies of the opinion provided to the parties and the public at large contained a clerical error designating an incorrect panel member. The opinion is hereby modified to correct that error so that the panel reads as follows: Opinion by Simons, J., with Jones, P.J., and Gemello, J., concurring.

2. This modification does not change the judgment. Jones, P.J. (Not for Publication.)

Tuesday, September 10, 2002

Division Two

A097189 -- In re Leroy L. III, a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Elanda W.

The orders of the juvenile court are affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Division Three

A097497 -- In re Jesse S., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services v. Jesus S.

A098593 -- In re Jesus S., on Habeas Corpus.

The judgment is affirmed. Jesus's petition for writ of habeas corpus is denied. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A095157 -- The People v. Edward Paul Leon.

The Court: The petition for rehearing filed by appellant on August 30, 2002, is denied. The opinion filed herein on August 15, 2002, is ordered modified as follows: (See order.) There is no change in the judgment. Kay, P.J. (Not for Publication.)

A096996 -- In re Rebekah W., a Person Coming Under the Juvenile Court Law. Humboldt County Department of Social Services v. Tara W.

The order is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Tuesday, September 10, 2002 (continued)

A096685 -- The People v. Bernard Keith Walls.

By the Court: This court's order issued August 29, 2002, is vacated. Pursuant to the parties' stipulation filed August 27, 2002, this case is remanded for resentencing. A remittitur shall be issued forthwith. (Cal. Rules of Court, rule 25(b).) Kay, P.J.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, September 10, 2002

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J. and Sepulveda, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

- A095789 People
 v.
 Calvin W.
Cause called. Gerald Clausen argued for appellant Calvin W. Sharon Wooden argued for respondent. Cause submitted.
- A094750 Brent Ferguson et al.
A095475 v.
 Michael D. Meadows et al.
Causes called. David J. Becht argued for appellants Ferguson et al. Douglas Melton argued for respondents. Causes submitted.
- At this point, the panel reconstituted itself from Kay, P.J., Reardon, J. and Sepulveda, J. to Kay, P.J., Sepulveda, J. and Rivera, J.
- A095872 People
 v.
 Eric Harold Stewart
Cause called. Steven S. Lubliner argued for appellant Stewart. Violet M. Lee for respondent. Cause submitted.
- A095845 Vallejo Community Center
 v.
 City of Vallejo
Cause called. Martin Glickfeld argued for appellant Vallejo Community Center. Alesia Jones-Martin argued for respondent. Cause submitted.
- A095331 The Court recessed at 11:29 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, September 10, 2002

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Sepulveda, J. and Rivera, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

A093348 Doheny-Vidovich Partners

v.

A.F. Evans Company, Inc.

Cause called. Jon B. Eisenberg argued for appellant Doheny-Vidovich. Robert Knox argued for respondent. Cause submitted.

The Court adjourned at 2:03 p.m.

Tuesday, September 10, 2002 (continued)

Division Five

A094130 -- The People v. Harry Barnett

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A096720 -- James Ivey v. Anita Cook.

The summary judgment is affirmed. Costs on appeal shall be awarded to defendant Anita Cook. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

A094442, A096504 -- The People v. Andrew Alexander Lear.

The sentence is modified to reflect an additional 124 days of custody credit. In all other respects, it is affirmed. The trial court shall prepare and forward to the Department of Corrections a corrected abstract of judgment reflecting the modification. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

A096345 -- Conservatorship of the Estate of Robert M. Likes. Robert M. Likes v. Charles M. Riffle.

The order denying the conservatee's request for reimbursement of attorney fees from court funds is affirmed. Costs on appeal are awarded to respondent Charles Riffle. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

A094996 -- Andrew W. Simpson V. v. Peter Szemerédi.

The judgment in favor of respondent awarding appellant zero damages is reversed and the matter is remanded for retrial solely on the issue of appellant's damages. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Wednesday, September 11, 2002

Division One

A096871 -- In re Marvin M., a Person Coming Under the Juvenile Court Law. The People v. Marvin M.

Accordingly, the judgment is affirmed. Swager, J. We concur: Marchiano, P. J., Margulies, J. (Not for Publication.)

A095164 -- Starcare International, Inc. v. Diversified Health Services, Inc., et al.

The order for new trial is reversed. Costs of appeal are awarded to appellant Starcare. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A099155 -- Marion (M.C.) Cloman et al. v. The Superior Court of Alameda County; Ellen W. Hill, as Administrator, etc., R.P.I.

By the Court:* The contempt order and judgment are ordered vacated. The Clomans are awarded costs for this proceeding. (Not for Publication.)

*Before Haerle, J., Acting P.J., Lambden, J. and Ruvolo, J.

Wednesday, September 11, 2002 (continued)

Division Two

A096933 -- The People v. Lamonte Ford.

The court stated the precise reasons why it believed appellant should be sentenced to the upper term, and we find no evidence that the trial court imposed the sentence for any other reason. Accordingly, we affirm the conviction and the sentence imposed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A094881 -- Scott Hoey-Custock v. City of Oakland.

By the Court: The petition for rehearing is denied. McGuinness, P.J.

STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, September 11, 2002

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Corrigan J., Parrilli J., and C. Turner, Deputy Clerk.

Justice Corrigan announced that the panel for this appeal is comprised of Parrilli, J., Pollak, J and herself, but that Pollak J. is away from the court and is unavailable for oral argument. All parties were informed that Pollak J. will have access to and will review the taped proceedings and counsel agreed to waive his personal appearance. The court proceeded with argument.

A095299 In re John E. Dannenberg on Habeas Corpus.

John E. Dannenerg,

v.

The People.

Cause called and argued by Susan Duncan Lee, counsel for appellant. and Susan Kathleen Kahn, counsel for respondent. Justice Pollak arrived shortly thereafter, and Justice Corrigan advised counsel that Justice Pollak would listen to the first part of oral argument on tape. Counsel proceeded with oral argument and the cause was submitted.

A095827 San Franciscans Upholding the Downtown Plan, et al.,

v.

City and County of San Francisco, et al.,

Cause called and argued by Susan Lynne Brandt-Hawley, counsel for appellant, and Marty Greenman, Jonathan Roger Bass and Michael Herman Zischke, counsel for respondents. Cause ordered submitted.

court adjourned

Wednesday, September 11, 2002 (continued)

Division Five

A097543 -- The People v. Mark Douglas Shiftlett.

The judgment is affirmed. Stevens, Acting P.J. We Concur: Simons, J.,
Gemello, J. (Not for Publication.)

Thursday, September 12, 2002

Division Two

A096473 -- In re Christopher S. et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Elton S. et al.

The orders are affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A094227 -- The People v. Angel Vargas.

We reverse the convictions on counts 3 and 4. The judgment is otherwise affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

A095698 -- Insurance Commissioner of the State of California v. Golden Eagle Insurance Co., Fred Gluckman, et al.

The judgment is reversed insofar as it limits the value of Allstate of default judgment to \$25,000. The matter is remanded for a hearing to determine the amount claimants may recover on the Allstate default judgment, consistent with the views expressed above. In all other respects, the judgment is affirmed. Each party shall bear its own costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Certified for Publication.)

Division Four

A097981 -- In re Sabrina C., a Person Coming Under the Juvenile Court Law. Contra Costa County Department of Children and Family Services v. Crystal A.

The orders denying the section 388 petition and terminating parental rights pursuant to section 366.26 are affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Thursday, September 12, 2002 (continued)

A094750, A095475 -- Brent Ferguson et al. v. Michael D. Meadows et al.

We affirm the summary judgment. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Friday, September 13, 2002

Division Four

A096116 -- The People v. Jonathan Sanders.

The abstract of judgment is modified so that it reflects 37 days of presentence custody credits, and restitution to the victim (Pen. Code, § 1202.4, subd. (f)) in the amount of \$429.90. In all other respects, the judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

A097261 -- Jea Seok Kim v. Gayle Permar.

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication.)

A098313 -- In re Jason S., a Person Coming Under the Juvenile Court Law. The People v. Jason S.

The orders adjudicating appellant a continued ward of the court and committing him to the CYA are affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

A097221 -- The People v. Mark Anthony Vargas.

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Monday, September 16, 2002

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Swager, J.; B. Robbins, Deputy Clerk, and CHP Officer A. Ching, Bailiff.

Presiding Justice Marchiano announced that Justice Margulies unavailable for oral argument for the last two cases, on which she is a panel member. He informed counsel for those cases that Justice Margulies is familiar with all the cases, has read all the briefs, and would have recordings from oral argument. He asked if counsel would stipulate to proceeding without Justice Margulies. All so stipulated.

A089581 The People,
A089582 v.
A089726 Matthew John Bongard.
A090502

The People,
v.
David Jeffrey Neitz.

The People,
v.
Ronald Reuben Rath.

The People,
v.
Marty Anton Schwind.

Causes called and argued by Dennis P. Riordan, counsel for appellant Schwind; James B. O'Connell, counsel for appellant Rath; Landra E. Rosenthal, counsel for appellant Neitz; Janice M. Brickley, counsel for appellant Bongard; and Catherine Rivlin, counsel for respondent. Causes ordered submitted.

A091096 The People,
 v.
 Jaime Wilfredo Torres.
Cause called and argued by Carlo Andreani, counsel for appellant, and
George F. Hindall, III, counsel for respondent. Cause ordered submitted.

A094808 Francis Scarpulla, et al.,
A096188 v.
 George Roscoe, et al.
Cause called and argued by W. Ruel Walker, counsel for appellants, and
Thomas J. Becker, counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Marchiano left the bench
and Justice Stein presided over the remainder of the morning session.

A094917 Waterkeepers Northern California, et al.,
 v.
 California State Water Resources Control Board, et al.
Cause called and argued by Michael R. Sherwood, counsel for appellants,
and Gavin McCabe and Norman F. Carlin, counsel for respondents. Cause
ordered submitted.

A093355 Katrin LaChapelle,
A095611 v.
 Toyota Motor Credit Corporation, et al.
Cause called and argued by Sharon Kinsey, counsel for appellant, and
David W. Moon, counsel for respondent. Cause ordered submitted.

Court recessed until Tuesday, September 17, 2002 at 9:00 a.m.

Monday, September 16, 2002 (continued)

Division Two

A098150 -- The People v. Fa'atamo'e Laulautasi Samifua.

The judgment is hereby vacated, and the matter remanded to the trial court with directions to strike its overbroad drug-prohibition probation condition, and impose, if it wishes, one that is narrow enough to conform with the reasonableness requirement. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

A093348 -- Doheny-Vidovich Partners v. A.F. Evans Company, Incorporated.

The judgment and order entered on the summary judgment motion are reversed, and the case is remanded. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

A098002 -- County of Humboldt v. Workers' Compensation Appeals Board and John Arrudu.

The order awarding workers' compensation death benefits to John Arruda is annulled. Each party is to bear its own costs in this writ proceeding. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

A094221 -- The People v. James Wilson Calloway.

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication.)

Tuesday, September 17, 2002

Division One

A094367 -- The People v. Antonio Gonzalez.

The judgment is reversed as to Counts 2 through 6. The judgment is affirmed as to Counts 1 and 7. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A097755 -- In re Lionel I., a Person Coming Under the Juvenile Court Law. The People v. Lionel I.

The orders adjudicating appellant a continued ward of the court and committing him to the care of the probation department for placement in an appropriate group or family home are affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A098025 -- The People v. Romundo Ivy Washington.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Tuesday, September 17, 2002

The Court reconvened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Margulies, J.; B. Robbins, Deputy Clerk, and CHP Officer A. Ching, Bailiff.

A095859 The People,
 v.
 Linda Lee Wells.
Cause called and argued by Nella Bertin, counsel for appellant, via teleconference, and Christopher Wei, counsel for respondent. Cause ordered submitted.

A094233 In re the Marriage of Litmon.
 Jerry Litmon,
 v.
 Anna Litmon.
Cause called and argued by John Nash, counsel for appellant. No appearance for respondent. Cause ordered submitted.

A093908 In re the Marriage of Richardson.
 Sally L. Richardson,
 v.
 Gary Lyle Richardson.
Cause called and continued to October calendar.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Tuesday, September 17, 2002

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Swager, J., and Margulies, J.; and B. Robbins, Deputy Clerk, and CHP Officer A. Ching, Bailiff.

A094024 The People,
 v.
 Richard Robert White.
Cause called and argued by R. Bruce Finch, counsel for appellant, via teleconference, and John Vance, counsel for respondent. Cause ordered submitted.

A090513 The People,
 v.
 Terrell Love.
Cause called and argued by Neoma Kenwood, counsel for appellant, and David H. Rose, counsel for respondent. Cause ordered submitted.

A096713 In re Marriage of Postma and Hasson.
 A. Catrin Hasson,
 v.
 Bert J. Postma.
Cause called and argued by Kim M. Robinson, counsel for appellant, and Janet C. Mangini, counsel for respondent. Cause ordered submitted.

A096966 Young H. Bae,
 v.
 Jakie Lim.
Cause called and argued by John Hanlin, counsel for appellant, and Robert E. Gonzales, counsel for respondent. Cause ordered submitted.

Court adjourned.

Tuesday, September 17, 2002 (continued)

Division Two

A094553 -- The People v. Pamela Gwen Shkurken.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Five

A095915 -- 1369 Hyde Street, LTD. v. San Francisco Residential Rent Stabilization and Arbitration Board, et al., Meghan Farrell Reilly; William B. Reilly, R.P.I. and Respondents.

The judgment is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

A094116 -- The People v. Raymond Willins.

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Wednesday, September 18, 2002

Division One

A097860 -- The People v. Jose Lara.

The order revoking probation and the judgment imposed are affirmed.
Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A097993 -- The People v. Michael Murphy.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J.,
Margulies, J. (Not for Publication.)

A097306 -- Susan Walsh v. Aaron Peskin, et al.

By the Court: The petition for rehearing is denied. Marchiano, P.J. (Not
for Publication.)

Division Two

A094545 -- The People v. Ernie Wally Rogers.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.
(Not for Publication.)

A095084 -- The People v. Darrell E. Shepherd.

We affirm. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for
Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, September 18, 2002

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P. J., Haerle, J., Ruvolo, J. and I. Santos, Deputy Clerk.

At this point in the proceedings, Presiding Justice Kline announced that the panel for People v. Chatman would consist of himself and Justices Haerle and Ruvolo and that the panel for the remaining cases would be himself, Justices Haerle and Lambden.

- A093221 The People,
 v.
 Charles James Chatman.
Cause called and argued by Barry Karl, counsel for appellant, and Gerald Engler, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A097863 Neil Barton,
 v.
 Susan Au-Yang et al.
Cause called and argued by Anthony David, counsel for appellant, and Patrick Macias, counsel for respondent. Cause ordered submitted.
- A094268 The People,
 v.
 Tanya Toni Anne Jenkins,
Cause called and argued by Robert Angres, counsel for appellant, and Gerald Engler, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A095703 Mary C. Keitel,
 v.
 George W. Heubel et al.
Cause called and argued by Rusty, counsel for non-party, Daniel Bacon,

George Heubel, in propria persona, and Brian Dinday, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J., Ruvolo, J. and S. Graham, Deputy Clerk.

A094322

The People,

v.

Gregory Young.

Cause called and argued by Sara Theiss, counsel for appellant, and Jeffrey Laurence, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A097109

Insurance Commissioner,

Golden Eagle Insurance Company,

v.

Inland Marine Industries, Inc.

Cause called and argued by Stacey Pratt, counsel for appellant, and Sean Absher, counsel for respondent. Cause ordered submitted.

A093541

American Construction & Environmental Services, Inc.

v.

Mohamed H. Mosleh et al.

Cause called and argued by Steven Meachem, counsel for appellant, and F. Raymond Marks, counsel for respondent. Cause ordered submitted.

A095951

Sara Rain Nelson,

v.

Fog City Diner et al.

Cause called and argued by Edwin Bradley, counsel for appellant, and Terry Gordon, counsel for respondent. Cause ordered submitted.

Court recessed until Thursday, September 19, 2002 at 9:30 a.m.

Wednesday, September 18, 2002 (continued)

Division Four

A096639 -- Atico International, Inc. v. Botech Enterprises, Inc.

The appeal is dismissed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J.
(Not for Publication.)

A095740 -- The People v. Charles Cyrille Elkins.

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Rivera, J.
(Not for Publication.)

Wednesday, September 18, 2002 (continued)

A096674 -- In re Tory L., a Person Coming Under the Juvenile Court Law. The People v. Tory L.

The judgment is reversed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

A095872 -- The People v. Eric Harold Stewart.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

Division Five

A096287 -- The People v. Parthab Hajarah Singh.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A095342 -- The People v. Floyd Ware.

The order of commitment is affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Thursday, September 19, 2002

Division One

A096966 -- Young H. Bae v. Jakie Lim.

We have deemed the demurrer order a judgment of dismissal. That judgment of dismissal is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A098564 -- The People v. Ross S. McCloud.

The order revoking probation and the judgment imposed are affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A095859 -- The People v. Linda Lee Wells.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, September 19, 2002

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Lambden, J., Ruvolo, J. and I. Santos, Deputy Clerk.

A093857 California School Employees Association et al.,
v.
Fremont-Newark Community College District.
Cause called and argued by Arnie Braafladt, counsel for appellant, and Rex Erickson, counsel for respondent. Submission deferred and counsels are allowed to file supplemental briefs due by 10-11-02 at which time cause will be submitted.

At this point of the proceedings, Justice Kline leaves the bench and Justice Haerle joins the bench for the remainder of the calendar.

A094073 In re Victor F., a Person Coming Under the Juvenile Court Law.
The People,
v.
Victor F.
Cause called and argued by L. Richard Braucher, counsel for appellant, and William Kuimelis, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A095142 Robert G. Perez et al.,
v.
Cree Edwards et al.
Cause called and argued by David Wiseblood, counsel for appellant, and Peter Brewer, counsel for respondent. Cause ordered submitted.

A095770 Vincent J. Tavani,
v.
Levi Strauss & Company.

Cause called and argued by Jonathan Siegel, counsel for appellant, and Peter Goldsmith, counsel for respondent. Cause ordered submitted.

A097164

David Del Dotto,

v.

Dale Buller.

Cause called and argued by Anthony Ventura, counsel for appellant, and David Knitter, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Thursday, September 19, 2002 (continued)

Division Three

A095299 -- In re John E. Dannenberg, on Habeas Corpus.

The trial court's order is affirmed insofar as it granted Dannenberg's habeas corpus petition and directed the Board to promptly conduct another parole suitability hearing. The order is reversed insofar as it directed the Board to reach a particular result in the absence of changed circumstances. The court is directed to order the Board to hold another hearing as expeditiously as possible, and render a decision conforming with the following guidelines: The Board must consider the gravity and the public safety implications of Dannenberg's offense as it compares with other similar offenses, and in light of the minimum term prescribed by the Legislature for second degree murder. The Board must consider Dannenberg's psychological evaluations as a factor favoring his application for a parole date, unless a new evaluation supports a different conclusion. The Board may not continue denying Dannenberg a parole release date, without considering whether the term he is serving is disproportionate to the seriousness of his offense, and to the terms served for other similar crimes. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Certified for Publication.)

Division Five

A098674 -- In re Quincy H., a Person Coming Under the Juvenile Court Law. The People v. Quincy H.

The orders adjudicating appellant a continued ward of the court and committing him to the CYA are affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

A095637 -- The People v. Nicholas Hayes Rae.

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J. (Certified for Partial Publication.)

Friday, September 20, 2002

Division Two

A094113 -- The People v. Yvonne Lucille Eldridge.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

**A085907 -- Marci A. Raney v. The California Department of
Developmental Services.**

We affirm the judgment. Raney is awarded costs. Lambden, J. I concur:
Kline, P.J. (Not for Publication.) (Dissenting opinion by Haerle, J.)

Division Five

A097092 -- The People v. Jose Luis Alvarez.

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J.,
Gemello, J. (Not for Publication.)

**A096917 -- Louis Bacigalupi v. Retirement Board of the City and
County of San Francisco Employees.**

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J.,
Gemello, J. (Not for Publication.)

A096325 -- Ford Motor Credit Company v. Daniel B. Cordova.

The order is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J.
(Not for Publication.)

**A097768 -- In re Courtney R., a Person Coming Under the Juvenile
Court Law. The People v. Courtney R.**

The order is affirmed. Simons, J. We Concur: Jones, P.J., Gemello, J.
(Not for Publication.)

Friday, September 20, 2002 (continued)

A097951 -- Maria Ruvalcaba v. Randolph Ehmann.

The order is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J.
(Not for Publication.)

Monday, September 23, 2002

Division One

A092876 & A093705 -- Richard Donaldson v. National Marine, Inc.

By the Court: Since this court's 8-23-02 opinion does not meet the standard for publication as set forth in rule 976(b) of the California Rules of Court, the request for publication is denied. Pursuant to rule 978(a) of the California Rules of Court, the Clerk is directed to forward to the Clerk of the Supreme Court the request for publication, the opinion, and a copy of this order. Stein, Acting P.J.

Division Two

A074986 -- The People v. James R. Metters, Jr.

Our prior decision is vacated. Upon reconsideration, the judgment is affirmed. Ruvolo, J. I concur: Haerle, J. ((Not for Publication.) (Dissenting opinion by Kline, P.J.)

Division Five

A094610 -- Semans Communications, Inc. v. C.H. Reynolds Electric, Inc.

By the Court: Respondents motion to modify the opinion filed herein on August 22, 2002, is granted. The opinion shall be modified as follows: (See order.) This modification does not effect a change in the judgment. Stevens, Acting P.J. (Not for Publication.)

Tuesday, September 24, 2002

Division Two

A095823 -- Raul Barraza v. Maria Elena Barraza.

The judgment is reversed. The matter is remanded to the superior court for further action consistent with the views set forth herein. In the interests of justice, the parties shall each bear their own costs. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A094095/A095267 -- In re Nicholas H., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Kimberly H.

All of the orders challenged in these two appeals are affirmed except the August 3, 2001, order. That order is reversed to the extent it contains a restriction limiting visits to Southern California. In all other respects the August 3, 2002, order is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, September 24, 2002

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J., and Sepulveda, J.; Channing Hoo, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

A097303 American Realty and Construction, Inc. et al.
 v.
 Kilkee Construction et al.
Cause called. Mattaniah Eytan argued for appellants American et al. Samuel M. Zaif argued for respondents. Cause submitted.

At this point, the panel reconstituted itself from Kay, P.J., Reardon, J., and Sepulveda, J. to Kay, P.J., Reardon, J., and Rivera, J.

A090283 People
 v.
 Louis William Wagner
Cause called. Geri Green argued for appellant Wagner. Matthew P. Boyle argued for respondent. Cause submitted.

At this point, the panel reconstituted itself from Kay, P.J., Reardon, J., and Rivera, J. to Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A095781 State Compensation Insurance Fund
 v.
 Harry Low, Insurance Commissioner
 F. McLintocks, Inc.
Cause called. Paul E. B. Glad argued for appellant Fund. Michael Adreani argued for real party in interest. Cause submitted.

A097183 K. Arlene Griffin et al.
v.
Allstate Insurance Company
Cause called. Cary L. Dictor argued for appellants Griffin et al. John L. Williams argued for respondent.

At this point, the panel reconstituted itself from Reardon, Acting P.J., Sepulveda, J., and Rivera, J. to Kay, P.J., Sepulveda, J., and Rivera, J.

A096144 Joseph F. Brazil, Jr. et al.
v.
John Brazil et al.
Order to show cause called. In pro per appellant Joseph Brazil, Jr. appeared and argued. Stephen Barbose, counsel for respondents, appeared. Cause submitted.

The Court recessed at 11:17 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, September 24, 2002

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J., and Sepulveda, J.; Channing Hoo, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

A097329 People
 v.
 Hurmon Lamech Hamilton
Cause called. Eric Liberman teleargued for appellant Hamilton. Bridget Billetter argued for respondent. Cause submitted.

At this point, the panel reconstituted itself from Kay, P.J., Reardon, J., and Sepulveda, J. to Reardon, Acting P.J., Sepulveda, J. and Rivera, J.

A096593 David Phillips et al.
 v.
 Richard Bowles
Cause called. David Phillips argued for appellants Phillips et al. Robert Westerfield argued for respondent. Cause submitted.

A097885 Jan L. Carrico et al.
 v.
 Vernon Holmes
Cause called. Bradford Floyd teleargued for appellants Carrico et al. Rudy Kraft teleargued for respondent. Cause submitted.

The Court adjourned at 2:33 p.m.

Wednesday, September 25, 2002

Division One

A096658 -- The Governor Gray Davis Committee v. American Taxpayers Alliance.

Accordingly, the judgment is reversed, and the case is remanded to the trial court with directions to grant appellant's motion to strike the complaint pursuant to section 425.16. Costs on appeal are awarded to appellant. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Certified for Publication.)

A090513 -- The People v. Terrell Love.

The judgment is modified by striking the term of five years imposed for the section 667.5 subdivision (b) enhancement and substituting the term of one year. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting this modification and shall furnish a copy to the Department of Corrections. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A097459 -- Thouqan Issa Makapleh v. Mahmood Ali Al-Kurdi.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A095223 -- The People v. Julio Santos Delgado.

The case is remanded to the trial court with instructions to strike the one-year stayed sentence for the Penal Code section 667.5 enhancement. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A097180 -- Niku Corporation v. The Standish Group International, Inc.

We affirm. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Wednesday, September 25, 2002 (continued)

A096672 -- In re Ashante L., a Person Coming Under the Juvenile Court Law. San Francisco Department of Human Services v. Sarah B.

The court's orders of September 18, 2001, are affirmed. McGuiness, P.J.
We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, September 25, 2002

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Pollak J., and C. Turner, Deputy Clerk.

Justice McGuiness announced that the panel for the following two cases is comprised of Parrilli, J., Pollak, J., and himself, but that Parrilli J., is away from the court and is unavailable for oral argument. All parties were informed that Parrilli J., will have access to and will review the taped proceedings and counsel agreed to waive her personal appearance. The court proceeded with oral argument.

A096741 Lawrence J. Slatkin, et al.,

v.

Barry L. White.

Cause called and argued by Gregg Jordan Goldfarb, counsel for appellant, and Cherie G. Porter, counsel for respondent. Cause ordered submitted..

A093085 Gary Dean, et al.,

A093086 v.

A093087 Oakley-Aalon, L.P. et al.,

Cause called and argued by Joan Cambray, counsel for appellant, and Elizabeth Brekus, counsel for respondents. Cause ordered submitted..

A096729 The People,

v.

Edward Dixon.

Cause called and argued by Laureen Anne Bethards, counsel for appellant, and Aileen Bunney, counsel for respondent. Cause ordered submitted.

A095847 David Osgood, et al.,

v.

Ahmed Higazi.

Cause called and argued by Tony Tanke via-teleconference, counsel for appellant, and Robert B. Jacobs, counsel for respondent. Cause ordered submitted.

court adjourned

Wednesday, September 25, 2002 (continued)

Division Four

A097303 -- American Realty and Construction, Inc. et al. v. Edward Duffy.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

A098031 -- The People v. Ryan Scott McCabe.

The judgment is modified to reflect that the AIDs test was ordered pursuant to section 1524.1, rather than 1202.1, and, as so modified, the judgment is affirmed. The trial court is directed to file an amended abstract of judgment reflecting this change, and to forward a filed copy thereof to the Department of Corrections. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Division Five

A096469 -- In re Hans M. et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Patricia M. et al.

The Court: The opinion filed August 27, 2002, is modified as follows: (See order.) This order does not effect a change in the judgment. The petitions for rehearing, filed on September 10 and 11, 2002, are denied. Jones, P.J. (Not for Publication.)

Thursday, September 26, 2002

Division Two

A097699 -- City and County of San Francisco v. Roosevelt Hicks.

The order appealed from is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A093331 -- Dorothee Dary, et al. v. Jeff Brigham, et al.

By the Court: The petition for rehearing is denied. Kline, P.J.

A098635 -- The People v. Daniel Allen York.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Three

A097012 -- The People v. Erie Niece Puncher Amen.

Judgment affirmed. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A096020 -- The People v. Steven Lee David.

The judgment is affirmed. Pollak, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

A098056 -- In re Tatiana J., a Person Coming Under the Juvenile Court Law. The People v. Tatiana J.

The orders adjudicating appellant a ward of the court and committing her to the CYA are affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

Thursday, September 26, 2002 (continued)

Division Four

A097499 -- In re Yasmine A., a Person Coming Under the Juvenile Court Law. Contra Costa County Department of Children and Family Services v. Pamela D.

The purported appeal is dismissed. Reardon, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

A097774 -- In re Z. A., a Person Coming Under the Juvenile Court Law. San Mateo County Human Services Agency v. Antonio A.

The order denying appellant's request for a new jurisdictional hearing is reversed and the trial court is instructed to enter an order vacating its jurisdictional findings and all subsequent orders and findings insofar as they affect appellant. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A096593 -- Richard Bowles et al. v. David Phillips et al.

The judgment is affirmed. Costs to respondent. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A097885 -- Jan L. Carrico et al. v. Vernon Holmes.

The judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A098852 -- The People v. Korvell LeKeith Mitchell

The order revoking probation and imposing the previously suspended sentence is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A095331 -- Lynn Pardo et al. v. Santa Rosa City School District et al.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Thursday, September 26, 2002 (continued)

A097289 -- In re Kamar R., a Person Coming Under the Juvenile Court Law. The People v. Kamar R.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

A095789 -- In re Calvin W., a Person Coming Under the Juvenile Court Law. The People v. Calvin W.

The order of commitment is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

A096692 -- The People v. Nicholas Lynn Jones.

The judgment is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

A097074 -- The People v. Ahmaad Rashad Tucker.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Friday, September 27, 2002

Division One

A098268 -- The People v. \$3,403 United State Currency; Mark Ezeb.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Three

A093408, A093920, A094683 -- Marcia Green v. State of California.

The judgment and orders are affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A097834 -- In re Jason N., a Person Coming Under the Juvenile Court Law. The People v. Jason N.

The order adjudicating appellant a ward of the court and placing him at CYA is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A095847 -- David Osgood et al. v. Ahmed Higazi.

The attorney fees award is affirmed. Higazi is to recover his costs on appeal. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A096936 -- The People v. Ronald James Cerri.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Friday, September 27, 2002 (continued)

A095845 -- Vallejo Community Service Center v. City of Vallejo.

The judgment is reversed. The cause is remanded to the trial court for further proceedings consistent with this opinion. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Monday, September 30, 2002

Division One

A095398 -- In re Marc H., a Person Coming Under the Juvenile Court Law. The People v. Marc H.

The order denying the motion to modify the CYA commitment is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

A096121 -- The People v. John Paul Rhodes.

The abstract of judgment is ordered corrected to reflect that appellant's sentence of four years four months is composed of the mitigated term of sixteen months for the 11378 violation and a consecutive term of three years for the section 11370.2, subdivision (c) enhancement. Upon issuance of the remittitur, the clerk of the superior court is directed to forward a copy of the amended abstract of judgment of the California Department of Corrections. The judgment is affirmed in all other respects. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A095982 -- The People v. Robert P. Alcaraz.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

A097194 -- The People v. Robert L. Brasier.

The matter is remanded for correction of the abstract of judgment to reflect an award of presentence credits in each of the two cases on appeal, Lake County Superior court No. CR-5151 and No. CR-3874, a determination of the applicability of *People v. Bruner, supra*, 9 Cal.4th 1178 to this case, and a recalculation of presentence credits if required thereby. In all other respects, the judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

Monday, September 30, 2002 (continued)

A098109 -- The People v. James Callier.

Accordingly, we find no arguable issues for review pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A093460 -- The People v. Sean Anthony Christenson.

The judgment is reversed as to the convictions returned on counts five and six. The matter is remanded to the trial court for resentencing, with instructions to prepare an amended abstract of judgment in accordance with this opinion and forward a copy of the modified abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A093003 -- Kevin Conlan et al. v. Diana M. Bonta, as Director, etc., et al.

The decision of the superior court is reversed and remanded as to all petitioners. The court shall issue a writ of mandate pursuant to Code of Civil Procedure section 1085 directing the Department to adopt and implement procedures consistent with this opinion to ensure that Medi-Cal recipients entitled to reimbursement for covered services obtained during the retroactivity period are promptly reimbursed. The court shall also issue writs of mandate pursuant to Code of Civil Procedure section 1094.5 directing the ALJs to determine what amounts, if any, each of the petitioners is entitled to recover that the Department is obligated to pay and either to order direct reimbursement to the respective petitioner or to allow the Department a reasonable period of time in which to implement new procedures designed to effect such reimbursement. Petitioners shall recover their costs on appeal. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Certified for Publication.)

A096729 -- The People v. Edward Dixon.

The order granting probation is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Monday, September 30, 2002 (continued)

A097393 -- Antonio Di Giovanni v. David J. Olkkola.

Upon our review of the entire record, we conclude that appellant has waived any claim that the amount of attorney fees requested was so large as to shock the conscience, or that the trial court erred in failing to make a determination of appellant's ability to pay respondent's attorney fees pursuant to section 270. There was no abuse of discretion or miscarriage of justice in the trial court's grant of respondent's motion for an award of attorney fees pursuant to section 6344. We therefore affirmed the judgment and order from which appellant appeals. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

A096790 -- The People v. Keita O'Neil.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A098543 -- In re Heather R., a Person Coming Under the Juvenile Court Law. Social Services Agency v. Paige C.

The appeal is dismissed. Respondent's request for an extension of time is denied as moot. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A096880 -- In re Richard R., a Person Coming Under the Juvenile Court Law. The People v. Richard R.

The orders of the juvenile court are affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A096202 -- The People v. Albert Anthony Rodriguez.

The trial court is directed to prepare a corrected abstract of judgment staying sentence on count two, and to forward the abstract to the Department of Corrections. The judgment is otherwise affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Monday, September 30, 2002 (continued)

A099457 -- In re the Marriage of Rhonda and Paul Ryan. Rhonda Ryan v. Paul Ryan.

Respondent Paul Ryan moves to dismiss this appeal as untimely and for sanctions. We grant the motion to dismiss and deny the request for sanctions. While the appeal is untimely, it is not clear from respondent's moving papers that it was frivolous or undertaken solely for delay. Accordingly, respondent's request for monetary sanctions is denied. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A095827 -- San Franciscans Upholding The Downtown Plan, et al. v. City and County of San Francisco, et al., Forest City Development, Inc., et al., R.P.I.

The judgment is affirmed. Each side shall bear its own costs on appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Certified for Publication.)

Division Four

A097183 -- K. Arlene Griffin and Robert Snediker v. Allstate Insurance Company.

The judgment of the trial court is affirmed. Rivera, J. We Concur: Reardon, Acting P.J. Sepulveda, J. (Not for Publication.)

Division Five

A096219 -- The People v. Russell McCloud.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

A094996 -- Andrew W. Simpson V. v. Peter Szemerédi.

Order Modifying Opinion. To correct a clerical error, the opinion filed on September 10, 2002, is modified as follows: (See order.) This modification does not change the judgment. Jones, P.J. (Not for Publication.)